

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TABOOLA, INC.,

Plaintiff,

-v-

EZOIC INC. and DWANYNE LAFLEUR,

Defendants.

17 Civ. 9909 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On December 15, 2020, the parties jointly applied for a two-month extension of the discovery deadline in this case, which had been in mediation, from December 31, 2020 to March 1, 2021. Dkt. 91. On January 11, 2021, after the discovery deadline had passed, the Magistrate Judge responsible for general pretrial supervision denied that application. Dkt. 95. On January 19, 2021, plaintiff moved for reconsideration of the order denying the discovery extension or, in the alternative, to re-open discovery. Dkt. 102. On January 28, 2021, the Magistrate Judge denied that request. Dkt. 108. On January 22, 2021, plaintiff filed objections to the denial of the discovery extension. Dkt. 103. On January 25, 2021, this Court directed defendants to respond, Dkt. 105, and on January 28, 2021, defendants did so, Dkt. 109.

The Court has reviewed the above submissions and orders. The Court's judgment is although the decision whether or not to extend the discovery deadline was within the Magistrate Judge's discretion, it was clear error not to act on the pending extension request before the discovery deadline expired. As relief, the Court will reopen discovery until April 1, 2021. The parties are directed jointly to file an amended case management plan, consistent with that

deadline, by February 5, 2021. General pretrial supervision of this matter remains under the supervision of the able Magistrate Judge.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 1, 2021
New York, New York